

Defendants are found liable for such costs. Accordingly, the parties believe that discovery should proceed forthwith on all issues, except the issues of the equitable allocation of costs between the parties.

B. Amendment of Pleadings/ Joinder of Additional Parties

No amendments to pleadings are contemplated at this time. However, pleadings shall be amended and/or additional parties shall be joined by July 31, 2006.

C. Fact Discovery

All fact discovery on all issues (except for the equitable allocation of costs between the parties) shall be completed by December 22, 2006. No discovery may be propounded if the response is due after this date under the Fed. R. Civ. P. and Local Rules of this Court. The parties believe this is an appropriate and necessary amount of time to conduct fact discovery on these issues.

1. Depositions

The parties recognize that depositions of certain key witnesses, or depositions of a party pursuant to Fed. R. Civ. P. 30(b)(6), may require more than one day (seven hours) of testimony. The parties will work together in good faith to ensure that the parties have an appropriate opportunity to examine key witnesses or parties.

2. Interrogatories

Plaintiff and Defendants may propound no more than twenty-five (25) interrogatories per side.

D. Expert Discovery

Plaintiff's Rule 26(a)(2) disclosures of expert witnesses and their opinions shall be served

by February 2, 2007. Defendants' Rule 26(a)(2) disclosures and rebuttal expert reports shall be served by March 2, 2007. Plaintiff may serve rebuttal expert reports by March 30, 2007.

Rebuttal expert reports shall be limited to responses to issues raised in the initial reports.

Depositions of experts shall conclude by April 27, 2007.

E. Dispositive Motions on Liability Issues

All dispositive motions (motions for summary judgment or Rule 12 motions) on issues relating to liability, or concerning the viability of Engelhard's claims for relief, shall be filed by June 1, 2007. Oppositions to such motions shall be filed by June 29, 2007. Reply briefs concerning such motions shall be filed by July 20, 2007.

F. Trial on Liability Issues

The parties estimate that they can be ready for trial on liability issues in approximately early November 2007, or within 60 days of entry of an order on the dispositive motions. The parties are unable to estimate the duration of a trial on liability issues. The parties believe that there are legal disputes between the parties that will require expert opinion testimony based upon the complete factual record, so the parties' proposed case management plan provides for expert discovery to begin after the conclusion of fact discovery. The parties have conferred pursuant to Local Rule 16.1(B)(3), and do not consent to trial by magistrate judge.

G. Post-Trial Status Conference

In the event that one or more of the Defendants are found liable, the parties suggest that the Court schedule a status conference within a reasonable time period in order to set a schedule for (i) fact and expert discovery concerning the equitable allocation of costs between the parties; and (ii) other pre-trial deadlines for the second trial concerning the equitable allocation of costs.

Respectfully submitted,

FOR ENGELHARD CORPORATION:

April 21, 2006

/s/ Ronald L. Kuis (by S.E.C.)

RONALD L. KUIS, Esq.

12 Scenery Road

Pittsburgh, PA 15221

rlkuis@aol.com

(412) 731-7246

FOR THE UNITED STATES:

SUE ELLEN WOOLDRIDGE

Assistant Attorney General

Environment & Natural Resources Division

April 21, 2006

/s/ Stephen E. Crowley

STEPHEN E. CROWLEY

United States Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 23986

Washington, DC 20026-3986

Stephen.Crowley@usdoj.gov

(202) 514-0165

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April 2006, I served a true and correct copy of the foregoing "Joint Proposed Case Management Plan and Pretrial Schedule," on the following counsel of record, by ECF filing, as follows:

Ronald L. Kuis
12 Scenery Road
Pittsburgh, PA 15221
rlkuis@aol.com

Paul R. Mastrocola
David P. Rosenblatt
Burns & Levinson
125 Summer Street
Boston, MA 02110
pmastrocola@burnslev.com
drosenblatt@burnslev.com

/s/ Stephen E. Crowley
STEPHEN E. CROWLEY
Attorney for Defendants